

CASE ANALYSIS

LINDA ALUVALE

LINDAALUVALE@KSL.AC.KE

STEPS

1. Read the case. A careful and purposive reading. It is about mastering the essence of the case so that you are then able to explain it. You should read the case through at least once from beginning to end until you figure out which facts are most important and you understand the Court's holding. It's difficult to correctly determine what was central to the court's reasoning until you've read it all the way through.

STEPS

2. Identify the parties

Figuring out who is suing whom may seem like the easiest part of case analysis and it often it is, however, if a case has been through several layers of appeal it can be difficult to discern how the case was originally presented – especially if litigants are only identified by their roles – Plaintiff/Defendant, Applicant/Respondent/, Claimant/Respondent, Appellant/Respondent, etc.

To make party identification even more confusing, party names may switch sides in the case caption depending on who appealed. For example, suppose Kamau sued Wanjiru in the High Court. The case's caption would be “Kamau v. Wanjiru.” If the High Court finds in favour of Wanjiru and Kamau appeals, the caption then becomes “Wanjiru v. Kamau. Suppose the Court of Appeal finds in favour of Kamau but Wanjiru appeals to the Supreme Court, the case caption will “Wanjiru v Kamau” again.

STEPS

3. Outline the case's procedural history

You must be able to trace the path the case followed from the initial lawsuit through the court system to end up before the court that issued the decision that you are reading.

Since the procedural history determines the role of the litigants, and thus what each of them is called throughout the case, understanding how the case moved through the court system – who sued whom, and who appealed – is paramount to understanding the case.

STEPS

4. Isolate the relevant facts

Understand the case and the general facts of the case. Pick out what you consider to be the crucial facts that gave rise to the dispute.

At the root of every case, there always is a story of a dispute between parties – but not all of the facts and circumstances surrounding the dispute will be important to the holding of the case. To analyse case law, you must determine which parts of the story are relevant to the issue presented to the Court that made the decision.

Among the relevant facts you've already identified, some will be more important than others because they represent the reason the Court

STEPS

5. Identify the legal issues raised in the Case

- The core of case law analysis is figuring out the exact issue or issues the Court was asked to resolve, and the process by which the court resolved it.
- These are essential issues which the parties have disagreed upon and have brought them before the court for adjudication. The issues may be express and may also be implied due to the nature of the dispute. For instance; in a paternity suit where the plaintiff requests the court to ascertain paternity, the implied issue is that of custody and upkeep. Jurisdictional issues may also arise.
- Where there are multiple issues in a case, analyse each issue separately. Do not clamp the issues together because they are supported differently by evidence.

STEPS

6. Identify the legal principles applied by the Court

The principles used by the Court to apply the law to the facts are typically precedents established by previous courts in similar cases.

Make note of the case from which the legal principle was established. Typically, it is not necessary for you to go back and read the case itself to understand the rule, however, if a significant portion of the decision discusses the previous case, you may want to go back and read it as well so you have a better understanding of what the Court is talking about

STEPS

7. Identify the holding.

What did the Court decide? It is the answer to the legal questions raised.

Typically, the Court applies related precedents to the facts of the case at hand using analogy. The application of a legal precedent to the facts of a case is the heart of legal analysis. The greater the similarity between the cases, the stronger the precedent.

STEPS

- At the appellate level, arguments from opposing sides will most likely offer competing analogies and sometimes argue that different precedents should apply.
- If you are analysing a Supreme Court case, there likely won't be a precedent that is entirely on point, or a previous case with the same fact pattern in which the same issue was raised and decided. Rather, the Court must compare cases to find a rule that applies closely and is based on a similar situation that is comparable to the dispute presented.

STEPS

8. Check out for congruency.

What are the similarities in other cases? Determine the extent to which the policies and reasons are similar. What is the judgment's impact? What are the legal implications of the case?



Hierarchy of courts

- Territorial jurisdiction
- Pecuniary jurisdiction
- Legislative jurisdiction
- Constitutional jurisdiction
- Subject matter jurisdiction
- ADR clauses



- Reported Cases - law reports, (www.kenyalaw.org), etc
- Unreported Cases

QUESTIONS?????